

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

RANDY J. JUNG, M. D.,

Plaintiff,

vs.

CONGRESS and THE PRESIDENT,

Defendants.

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Case No. 08-cv-0719-MJR

ORDER

REAGAN, District Judge:

This matter is before the Court on the notice of voluntary dismissal filed by Plaintiff, Randy J. Jung, M. D. (Doc. 4). Plaintiff brought this suit to enjoin Congress and the President from enforcing the “bail out bill.”

On November 14, 2008, Plaintiff filed a notice of voluntary dismissal pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure. Rule 41 provides, in pertinent part, “an action may be dismissed by the plaintiff without order of court ... by filing a notice of dismissal at any time before service by the adverse party of an answer or of a motion for summary judgment, whichever first occurs.” **FED. R. CIV. P. 41(a)(1)**. “Unless otherwise stated in the notice of dismissal ..., the dismissal is without prejudice.” *Id.* No answer or motion for summary judgment has been filed by Congress or the President. Thus, voluntary dismissal of this action is permitted under Rule 41(a)(1).

Accordingly, the Court **DISMISSES** this case, pursuant to **FEDERAL RULE OF CIVIL PROCEDURE 41(a)(1)**. Dismissal shall be *without prejudice*.

IT IS SO ORDERED.

DATED this 17th day of November, 2008

s/Michael J. Reagan
MICHAEL J. REAGAN
United States District Judge